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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Argentina, Australia, Austria, Bangladesh, Belgium*, Brazil, Burundi, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Denmark*, France, Germany, Greece*, Guatemala*, Hungary, Italy, Kenya, Lesotho, Madagascar*, Mauritius, Mexico, Peru, Philippines*, Poland, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Spain*, Switzerland*, and Venezuela: draft resolution

Human rights and extreme poverty

The Commission on Human Rights,

Recalling that in the Charter of the United Nations the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person,

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* In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if all individuals are to participate freely and responsibly in the development of the society in which they live,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, and its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro DESPOUY as Special Rapporteur on the question of human rights and extreme poverty.

Recalling further General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for complete and in-depth study of extreme poverty based on the experience and thoughts of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized that a more thorough knowledge of the situation of the poorest children and their families is needed, as well as decision 1993/8, entitled "UNICEF programmes for the urban poor", which underlines the importance and urgency of the problems that children living in urban areas meet with and the need to focus on innovative solutions recommended by the poorest themselves to cope with the situation,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all countries of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 the International Year of the Family,

Emphasizing furthermore the importance of the World Summit on Social Development, which will take place in Copenhagen in March 1995, for the discussion on poverty,

Mindful of the Secretary-General's reports on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2, and E/CN.4/Sub.2/1992/50),

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. Welcomes the fact that the Committee on the Rights of the Child, at its fourth session, gave attention to the situation of children living in extreme poverty and their families during its discussions on the economic exploitation of children and in its message on the occasion of the International Day for the Elimination of Poverty;

6. Encourages the Committee on the Rights of the Child to continue to take into account, in its discussions and work, the situation of children living in extreme poverty, with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child;

7. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is

needed of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty, including the very large number of women and children in this situation, endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

8. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/35 of 25 August 1993, taking note of the preliminary report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1993/16);

9. Approves the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994;

10. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

11. Also invites the Special Rapporteur to give attention within the framework of his mandate to the interrelationship between the family, combating extreme poverty, and observance of the human rights of the poorest;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including as appropriate, assistance from those with experience of the subject;

13. Welcomes the events organized by the United Nations to celebrate the International Day for the Elimination of Poverty on 17 October, which, in conformity with the wishes expressed by the Commission on Human Rights in its

resolution 1993/13, focused on the poorest and gave due attention to events already organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty";

14. Invites States, United Nations bodies and other intergovernmental and non-governmental organizations, to give due attention, in celebrating the International Day for the Elimination of Poverty, to the relationship between extreme poverty and human rights and to the situation of the poorest, who must be the focus of events;

15. Decides to examine this question at its fifty-first session under agenda item 7.

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION OF THE RIGHT TO DEVELOPMENT

Czech Republic*, Greece*, Japan, Romania, Russian Federation, Slovakia*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recalling especially resolution 1993/21 of 4 March 1993, in which it decided to conclude its consideration of the right to own property at its fiftieth session,

Recognizing that there exist in the world many forms of property ownership,

Wishing to strengthen further within the framework of the United Nations the protection of the rights of women, in accordance with its resolution 1993/46 of 8 March 1993, by combating gender-based discrimination in the matter of the right to own property,

Taking note of the final report of the independent expert (E/CN.4/1994/19 and Add.1),

1. Welcomes the final report of the independent expert regarding the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the independent expert for his report, the continuation of his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Commends the efforts made by the independent expert to implement resolution 1993/46 by including in his report information on the failure in many parts of the world to protect the equal rights of women to own property;

4. Recommends that all relevant United Nations bodies take into consideration the recommendations of the independent expert;

5. Concludes its consideration of this matter.

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Australia, Austria, Costa Rica, Denmark*, Ireland*, Norway* and Peru: draft resolution

Question of trade union rights

The Commission on Human Rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Covenant on Civil and Political Rights and that this and other fundamental trade union rights are guaranteed by the freedom of association conventions of the International Labour Organisation,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Underlining the important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Recognizing that workers' rights are given fuller expression in the International Labour Code, made up of the 174 Conventions and 181 Recommendations, of the International Labour Organisation,

Underlining the particular importance of the Conventions concerning Freedom of Association (Nos. 87 and 98), Discrimination (Nos. 100 and 111) and Forced Labour (Nos. 29 and 105) of the International Labour Organisation,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986 (resolution 41/128 annex), calls on States to encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant agencies to ensure the effective promotion and protection of trade union rights, and called on all States to abide fully by their obligations contained in this regard in international instruments,

Considering that trade unions can contribute most significantly to the realization of effective popular participation and thus to development and that violations of their rights are therefore serious obstacles to development,

Recalling its resolutions 1990/16 of 23 February 1990 and 1992/12 of 21 February 1992 in which it expressed deep concern that in many countries persons exercising their trade union rights in striving for a more just society and human dignity were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of trade union rights,

Regretting that violations of trade union rights have continued in many countries since then,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their trade union rights freely and in full;

2. Invites Member States that have not yet done so to ratify and apply in full the International Covenants on Human Rights as well as the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) of the International Labour Organisation and to support the increasingly important work of that Agency;

3. Calls upon States to involve representative trade union organizations in effective processes of popular participation and development, including through appropriate consultative mechanisms;

4. Urges States to work for the provision of a healthy and safe workplace including through consultation and cooperation;

5. Encourages Member States to remove all forms of discrimination in the workplace and invites all States which have not yet done so to ratify and apply in full the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 22

RIGHTS OF THE CHILD

Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Peru, Uruguay and Venezuela: draft resolution

Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which calls for effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing the said Declaration, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establishes a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it can play in ensuring effective protection of the rights of the child,

Recalling also Commission resolution 1992/74 of 5 March 1992 by which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling further its resolutions 1992/76 of 5 March 1992 and 1993/82 of 10 March 1993,

Deeply concerned by the situation of children subject to the yoke of prostitution, sexual abuse and other forms of exploitation, including illegal transplanting of organs,

Alarmed by the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Bearing in mind that one of the main difficulties encountered by the Special Rapporteur has been the lack of cooperation and information on these issues,

Recognizing the existence of a market, particularly in developed countries, which encourages the increase of such criminal practices against children, mainly from developing countries,

Bearing in mind the different causes that influence the emergence and persistence of these special circumstances, including in particular poverty, hunger, natural disasters, xenophobia, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils, thus allowing developing countries to tackle more effectively these situations affecting the rights of the child,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices related to the sale of children, child prostitution and child pornography,

Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem,

Having considered the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84) and the conclusions and recommendations contained therein,

1. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children and their organs, child prostitution and child pornography;

2. Urges all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices:

3. Urges all States to adopt the necessary administrative and legislative measures to more effectively eradicate the practices of the sale of children, child prostitution and child pornography;

4. Also urges all States to adopt the necessary measures to eliminate the existing market which encourages the increase of such criminal practices;

5. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84);

6. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children and their organs, child prostitution and child pornography;

7. Recognizes the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

8. Urges Governments and national and international organizations to promote wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

9. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

10. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children and their organs, child prostitution and child pornography;

11. Reaffirms the need to strengthen and ensure the effective implementation of a legal framework aimed at effectively protecting the rights of the child as well as at providing appropriate remedies for children whose rights have been violated;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of children in the light of children's best interests;

13. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and to this effect invites him to participate in the next sessions of those bodies;

14. Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur, involving the sale of children, child prostitution and child pornography, as well as other questions related to this problem;

15. Urges all Governments to cooperate with the Special Rapporteur and to assist him by furnishing all information he requires and allowing him to visit their territories when he so requests;

16. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;

17. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the resources and staff required to allow him to submit sufficiently in advance his interim report to the General Assembly at its forty-ninth session and his report to the Commission on Human Rights at its fifty-first session, bearing in mind the recommendations of the Special Rapporteur in his report (E/CN.4/1994/84);

18. Also requests the Special Rapporteur, within the framework of the above-mentioned reports, to include recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;

19. Decides to set up an open-ended intersessional Working Group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible draft Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems;

20. Invites all Governments, as well as specialized agencies and non-governmental organizations, to participate in the work of the Working Group;

21. Requests the Working Group to meet for two weeks prior to the fifty-first session of the Commission;

22. Further requests the Secretary-General to provide the Working Group with all the services it requires for the meeting to be held prior to the fifty-first session of the Commission;

23. Decides to consider, as a matter of priority, at its fifty-first session a specific subitem entitled "Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" under the agenda item entitled "Rights of the child";

24. Recommends the following draft resolution to the Economic and Social Council for adoption:

"Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ... 1994,

1. Authorizes the establishment of an open-ended intersessional Working Group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems, that will meet for two weeks prior to the fifty-first session of the Commission on Human Rights;

1. Requests the Secretary-General to provide the Working Group with all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights".

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Agenda item 16

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Canada, Chile, Denmark*, Finland, Norway* and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolutions 48/120 of 20 December 1993 and 1993/16 of 26 February 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling that the General Assembly, in its resolution 48/120 reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in that connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992 of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 and 12 to 16 October 1992, respectively,

Noting the meeting, in the framework of the World Conference on Human Rights, of persons chairing treaty bodies with those persons chairing each of the principal regional and other human rights bodies,

Noting with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

Recalling that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of treaty bodies,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

1. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

2. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

3. Welcomes the report of the Secretary-General on the implementation of the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508) and the Vienna Statement of the International Human Rights Treaty Bodies adopted at the meeting, held in the framework of the World Conference on Human Rights, of the chairpersons of treaty bodies with those persons chairing each of the principal regional and other human rights bodies;

4. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

5. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in

particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

6. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

7. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of "global" reports and of replacing comprehensive periodic reports with specifically tailored reports and thematic reports;

8. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end:

(a) Reiterates its request that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites the treaty bodies to identify States which could benefit from technical assistance in completing their initial reports;

9. Encourages all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports;

10. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

11. Recommends that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports;

12. Invites the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women;

13. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-first session and to the General Assembly at its forty-ninth session;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Also requests the Secretary-General to ensure that recent reports of States parties to treaty-monitoring bodies, the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

16. Further requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the

recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies;

17. Decides to consider the question on a priority basis at its fifty-first session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

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(282)

Distr.
LIMITED

E/CN.4/1994/L.25
22 February 1994

ENGLISH
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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 13

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Chile, Colombia, Costa Rica, Croatia*, Cuba, Czech Republic*, Ecuador, El Salvador*, Ghana*, Guatemala*, Malawi, Madagascar*, Mauritania, Mexico, Morocco*, Pakistan, Peru, Philippines*, Portugal*, Romania, Russian Federation, Rwanda*, Sri Lanka, Turkey*, Uruguay, Venezuela, Zambia*: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

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* In accordance with Rule 69, paragraph 3, of the Rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of the Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1993/89 of 10 March 1993, the Commission requested the Secretary-General to submit to it at its fiftieth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Decides to include in the provisional agenda for the fifty-first session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

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(283)

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22 February 1994

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 20

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Albania*, Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Croatia*, Czech Republic*, Denmark*, Finland, Germany, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, Netherlands, New Zealand*, Norway*, Poland, Portugal*, Romania, Russian Federation, Sweden*, Switzerland* United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela: draft resolution

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 48/128 of 20 December 1993, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling the Declaration and Programme of Action, adopted by the World Conference on Human Rights in which the World Conference invited all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain.

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion or belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief, including acts of violence, occur in many parts of the world, as evidenced in the report of the Special Rapporteur, Mr. Abdelfattah Amor (E/CN.4/1994/79),

Reaffirming the dismay and condemnation expressed by the World Conference on Human Rights at the continued occurrence of gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights, including religious intolerance,

Conscious that incidents of discrimination and intolerance carried out by persons or groups of persons on the grounds of religion or belief continue to occur in many parts of the world,

Noting with concern that, in many parts of the world, acts of violence motivated by religious extremism in all its forms threaten the enjoyment of human rights and fundamental freedoms,

Believing that further efforts are, therefore, required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the fiftieth session of the Commission;

3. Notes with concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten human rights and fundamental freedoms;

4. Condemns all such acts, including those motivated by religious extremism in all its forms, as well as practices of discrimination against women;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

6. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

7. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

9. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

10. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

11. Recognizes that the exercise of tolerance and non-discrimination by persons and groups of persons is necessary for the full realization of the aims of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

12. Reiterates its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

13. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures, including the provision of advisory services by the Centre for Human Rights;

14. Also encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance;

15. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

16. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights;

17. Welcomes General Comment No. 22 (48) adopted by the Human Rights Committee on 20 July 1993 on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

18. Endorses the view of the Human Rights Committee that the right to freedom of thought, conscience and religion is far-reaching and profound;

19. Emphasizes that, as underlined by the Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

20. Also welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration and invites them to consider what further contributions they could make to its implementation and its dissemination;

21. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

22. Requests the Secretary-General to provide all necessary assistance and resources to the Special Rapporteur to enable him to carry out his mandate and to report to the Commission at its fifty-first session;

23. Also requests the Secretary-General to report to the Commission at its fifty-first session on measures taken to implement the present resolution;

24. Decides to continue its consideration of the question at its fifty-first session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

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(284)

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 18

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Albania*, Austria, Costa Rica, Croatia*, Hungary, Italy, Lithuania*, Malawi, Poland, Republic of Korea, Russian Federation, Rwanda*, Switzerland* Uruguay and Venezuela: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

Aware of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities as set out in the Declaration,

Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities, by, inter alia, taking due account of and promoting the Declaration,

Noting the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

Noting with appreciation the final report (E/CN.4/Sub.2/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Concerned about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

Mindful of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

1. Takes note with appreciation of the analysis and recommendations formulated in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon all States to consider concluding bilateral and multilateral arrangements or agreements in order to ensure the rights of persons belonging to national or ethnic, religious or linguistic minorities, as appropriate;

4. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates to the Declaration;

5. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the Declaration, including through the consideration of the usefulness of further standards, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

6. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

7. Encourages intergovernmental and non-governmental organizations to continue to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, as well as on the prevention, resolution and/or management of disputes, and to assist in existing or potential situations involving minorities;

9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

10. Calls upon States and the Secretary-General respectively to give due regard to the principles contained in the Declaration in training programmes for officials;

11. Requests the Secretary-General to designate a representative to seek views and information from all Governments on issues relating to the promotion and implementation of the Declaration;

12. Encourages the Secretary-General to seek views and information from the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration;

13. Encourages all interested Governments to make known their views on this subject;

14. Requests the Secretary-General to report to the Commission at its fifty-first session on the implementation of the present resolution under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 18

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Albania*, Austria, Costa Rica, Croatia*, Hungary, Italy, Lithuania*, Malawi, Poland, Republic of Korea, Russian Federation, Rwanda*, Switzerland* Uruguay and Venezuela: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities as set out in the Declaration,

Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities, by, inter alia, taking due account of and giving effect to the Declaration,

Noting the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

Noting with appreciation the final report (E/CN.4/Sub.2/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Concerned about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

Mindful of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

1. Takes note with appreciation of the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States which so wish to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate;

4. Urges relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates to the Declaration;

5. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

6. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

7. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, human rights and dispute management, resolution and prevention, and to assist in existing or potential situations involving minorities;

9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

10. Calls upon States and the Secretary-General respectively to give due regard to the principles contained in the Declaration in training programmes for officials;

11. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof;

12. Requests the Secretary-General to seek views and information from Governments, the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration and to consider, if necessary, requesting the assistance of an expert or experts and/or other forms of expertise, within the framework of the existing human rights mechanisms, with a view to presenting an analytical report at its next session;

13. Decides to continue consideration of this issue and to consider the analytical report at its fifty-first session under the same agenda item.

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22 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 8

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Afghanistan*, Bangladesh, Barbados, Brazil, Burundi*, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Ethiopia*, Indonesia, India, Iran (Islamic Republic of), Iraq*, Jordan*, Kenya, Lesotho, Madagascar*, Malawi, Malaysia, Mexico, Myanmar*, Nigeria, Pakistan, Philippines*, Rwanda*, Singapore*, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Viet Nam*: draft resolution

The right to development

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

Reaffirming also the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

GE.94-11232 (F)

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Fully aware of the consensus agreements on "A New Partnership for Development: The Cartagena Commitment" and "a new global partnership for sustainable development" contained, respectively, in the final documents adopted by the United Nations Conference on Trade and Development at its eighth session and by the United Nations Conference on Environment and Development,

Recalling General Assembly resolution 48/130 of 20 December 1993 and its own resolution 1993/22 of 4 March 1993 concerning, inter alia, the establishment of the Working Group on the Right to Development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Convinced of the valuable contribution a widespread campaign to disseminate the provisions of the Declaration on the Right to Development can provide towards the implementation and realization of the Declaration,

Bearing in mind that Governments which have nominated experts as members of the Working Group on the Right to Development may also nominate alternate experts to the Group,

Underlining that the mandate of the High Commissioner for Human Rights includes the promotion and protection of the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose,

Having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1),

1. Takes note with appreciation of the report of the Working Group on the Right to Development on its first session;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future, to follow up the implementation of the Declaration on the Right to Development;

3. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

4. Urges the Secretary-General to take the necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development;

5. Welcomes the recommendations of the Working Group on the Right to Development and, in this respect, requests the Secretary-General to:

(a) Invite Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list contained in annex 1 to the report of the Working Group;

(b) Provide the Centre for Human Rights with a focal unit specially designed to follow up on the Declaration and its implementation, which would collate and analyse information and replies from Member States, intergovernmental and non-governmental organizations, present the results of the work on the right to development to regional or international meetings, including those of all United Nations agencies and international financial institutions with development mandate, and perform such tasks as are assigned to it by the Working Group;

6. Urges the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and

international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries;

7. Requests the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities so as to enrich and discuss their experience in matters of evaluation, criteria of performance and monitoring;

8. Decides that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they can contribute substantially to its work;

9. Recommends that consideration be given to inscribing the question of the right to development on the agenda of forthcoming conferences convened by the United Nations, including in particular the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the substantive session of the Commission on Sustainable Development;

10. Also recommends that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee;

11. Decides that the Working Group will hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group;

12. Recommends to Governments which have nominated experts as members of the Working Group also to nominate alternate experts to the Working Group, if they so wish;

13. Requests the Economic and Social Council at its substantive session for 1994 and the General Assembly at its forty-ninth session, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions contained in the Declaration on the Right to Development;

14. Requests the High Commissioner for Human Rights to promote the implementation of the right to development and the Declaration on the Right to Development, inter alia by working closely with the Working Group on the Right to Development;

15. Urges the High Commissioner for Human Rights to make recommendations towards enhancing the support from relevant bodies of the United Nations system in fulfilment of his mandate to promote and protect the realization of the right to development;

16. Requests the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994;

17. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the implementation of the present resolution;

18. Decides to consider at its fifty-first session the agenda item entitled "Question of the realization of the right to development".

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(287)

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E/CN.4/1994/L.29
24 February 1994

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10 (c)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Croatia*: draft resolution

Problem of missing persons in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as other relevant documents and resolutions of the General Assembly and the Security Council.

Recalling General Assembly resolution 47/133 of 18 December 1992, in which the General Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its resolution 1993/7 in which it specifically requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia,

Deeply disturbed at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina and the Republic of Croatia,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

Expressing its deepest sympathy to the families of missing persons in the territory of the former Yugoslavia while reaffirming its readiness to undertake all necessary measures with a view to expediting the search for their next of kin,

Having considered the report on the visit to the former Yugoslavia by a member of the Working Group on Enforced or Involuntary Disappearances undertaken at the request of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/26/Add.1) and the valuable proposals contained therein,

Stressing that the basic objective of the "special process" for dealing with the problem of missing persons in the territory of the former Yugoslavia proposed in the report should be to provide their relatives and families with information on their fate,

1. Endorses the conclusions and recommendations contained in the report of a member of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26/Add.1) and decides to establish the proposed "special process" as the joint mandate of the Special Rapporteur on the situation of human rights in the former Yugoslavia and one member of the Working Group on Enforced or Involuntary Disappearances;

2. Expresses its full support for the recommendation that the "special process" should be strictly humanitarian and rely on a pragmatic approach with a view to securing maximum efficiency and maximum cooperation of all parties in the search for missing persons in the territory of the former Yugoslavia;

3. Considers that the "special process" should be enabled to make direct contact with the parties concerned and on-the-spot investigations which are necessary to promote the search for missing persons;

4. Requests the Secretary-General to provide the "special process" with the necessary experienced personnel, equipment and financial resources from the regular budget of the United Nations, if necessary by soliciting contributions for this humanitarian cause from interested Governments and other organizations, and requests the Working Group on Enforced or Involuntary Disappearances to proceed immediately, through appropriate inter-sessional consultations, to designate one of its members for this purpose;

5. Stresses the urgency of establishing this special mechanism in order that all the requests to search for missing persons which have already been processed by the Working Group on Enforced or Involuntary Disappearances can immediately be presented to the parties concerned;

6. Invites the Governments concerned, other interested parties and those in position to help, including the International Committee of the Red Cross to cooperate fully and constructively with the "special process" so as to enable it to discharge its functions efficiently and thus to alleviate the pain and suffering of many relatives of disappeared persons;

7. Requests the Special Rapporteur on the situation of human rights in the former Yugoslavia and the designated member of the Working Group on Enforced or Involuntary Disappearances to keep the families and relatives of missing persons informed of the results of their investigations and to submit joint annual reports to the Commission on Human Rights which would include, as appropriate, identification of obstacles and impediments affecting their work.